

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AIX SPECIALTY INSURANCE COMPANY	: : : : : : : : : :	CIVIL ACTION
v.		NO. 21-2338
AMERICAN LEGION DEPARTMENT OF PENNSYLVANIA, <i>et al.</i>	: : : : : : : : : :	

ORDER

AND NOW, this 14th day of March 2022, upon considering Plaintiff's and Defendant's cross-Motions for summary judgment (ECF Doc. Nos. 42, 43), Oppositions (ECF Doc. Nos. 48, 49), and for reasons in the accompanying Memorandum describing our findings as a matter of law as to coverage but finding genuine issues of material fact as to Plaintiff's reformation and rescission claims, it is **ORDERED**:

1. Plaintiff's Motion for summary judgment (ECF Doc. No. 43) is **DENIED**; and,
2. Defendant's Motion for summary judgment (ECF Doc. No. 42) is **GRANTED in part** and **DENIED in part**:

a. We **grant** summary judgment dismissing counts three through eight of the Complaint (ECF Doc. No. 1) as the policy provides a duty to defend in the ongoing state court litigation and Plaintiff did not meet its burden of demonstrating an applicable exclusion; but,

b. We **deny** summary judgment on counts one and two as there are genuine issues of material fact concerning Plaintiff's claims of reformation and rescission necessary to be resolved after evaluating the credibility of trial witnesses.


KEARNEY, J.